

AO 91 (REV.5/85) Criminal Complaint

AUSA Clifford C. Histed (312) 886-7627

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**  
1-7-08  
JAN - 7 2008

UNITED STATES OF AMERICA

**MICHAEL W. DOBBINS**  
**CLERK, U.S. DISTRICT COURT**

v.

CRIMINAL COMPLAINT

MAGISTRATE JUDGE DENLOW

GERARDO RODRIGUEZ-GOMEZ  
also known as "Gerardo Rivera-Rodriguez"

CASE NUMBER:

**08CR 0006**

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief. On or about June 28, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, GERARDO RODRIGUEZ-GOMEZ, also known as "Gerardo Rivera-Rodriguez", defendant herein,

being an alien, who previously had been deported and removed from the United States on or about May 30, 2006 and September 30, 2005, was found in the United States without previously having obtained the express consent of the Secretary of the Department of Homeland Security, for reapplication by defendant for admission into the United States;

in violation of Title 8, United States Code, Sections 1326(a) and (b)(2); and Title 6, United States Code, Section 202(4). I further state that I am a Deportation Officer with the Bureau of Immigration and Customs Enforcement ("ICE") and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.



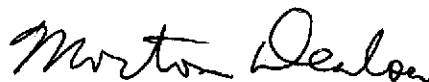
Signature of Complainant  
BRANDON BEWICK  
Deportation Officer, U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

January 7, 2008  
Date

at Chicago, Illinois  
City and State

MORTON DENLOW, U.S. Magistrate Judge  
Name & Title of Judicial Officer



Signature of Judicial Officer

I, BRANDON BEWICK, being duly sworn, state as follows:

1. I am a Deportation Officer with the United States Bureau of Immigration and Customs Enforcement (“ICE”), and have been so employed for five years. I am assigned to investigate alleged violations of the Immigration and Nationality Act, including activities which constitute the illegal reentry of aliens into the United States after such aliens previously have been deported from the United States. I have received training concerning immigration-related laws, policies, and procedures, including those related to the reentry of previously deported aliens.

2. This affidavit is submitted in support of a criminal complaint alleging that Gerardo Rodriguez-Gomez, also known as Gerardo Rivera-Rodriguez, (hereinafter "RODRIGUEZ-GOMEZ") has violated 8 U.S.C. § 1326(a), Reentry of Removed Alien, by being present and found in the United States after having been deported, and is subject to the enhanced penalty provision set forth in 8 U.S.C. § 1326(b)(2) because RODRIGUEZ-GOMEZ previously was deported following conviction for an aggravated felony. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging RODRIGUEZ-GOMEZ with illegal reentry, I have not included each and every fact known to me concerning this

investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that RODRIGUEZ-GOMEZ committed the offense stated in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and officers and by others persons identified in this affidavit, and my review of records maintained by ICE, other components of the Department of Homeland Security (DHS), and other government agencies.

4. According to DHS records, RODRIGUEZ-GOMEZ is a native and citizen of Mexico and has no claim to United States citizenship or lawful residence. DHS records reflect, and RODRIGUEZ-GOMEZ has admitted to me, that he was born in Mexico on March 3, 1973 and most recently entered the United States at or near Nogales, Arizona, in or about June 2006 without being inspected, or admitted after inspection by, an officer of Immigration and Customs Enforcement.

5. Records maintained by the Circuit Court of Cook County, Illinois reflect that on or about June 28, 2005, RODRIGUEZ-GOMEZ was convicted of aggravated battery of a police officer, an aggravated felony, and sentenced to two years imprisonment.

6. DHS records further reflect that on or about May 30, 2006, defendant was deported from the United States to Mexico at Naco, Arizona.

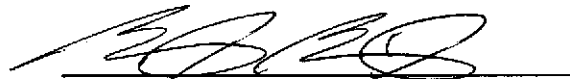
7. DHS records reflect that defendant also was deported to Mexico on or about September 30, 2005.

8. Additionally, DHS records reflect, and defendant has admitted to me, that he has not applied for or received permission to reenter the United States.

9. On or about June 28, 2007, officers of the Chicago Police Department observed defendant drinking from a can of beer while driving. They performed a traffic stop of defendant and administered a field sobriety test which he failed. The officers arrested defendant and later administered a breath alcohol test that defendant also failed. On August 24, 2007, defendant pled guilty to Aggravated Driving Under the Influence and was sentenced to two years in the Illinois Department of Corrections.

10. Following his release from the Illinois Department of Corrections on or about December 28, 2007, RODRIGUEZ-GOMEZ was taken into ICE custody. On December 31, 2007, he was advised of his Miranda rights. RODRIGUEZ-GOMEZ admitted his identity, that he previously had been deported from the United States, and that he had not applied for or received official permission to reapply for admission into the United States.

FURTHER AFFIANT SAYETH NOT.



BRANDON BEWICK  
Deportation Officer, Bureau of  
Immigration and Customs  
Enforcement

SUBSCRIBED AND SWORN to before me on January 7, 2008.



MORTON DENLOW  
United States Magistrate Judge